

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

WILLIAM AKINS,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 18-1980
	)	(Senior Judge Williams)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**DEFENDANT’S UNOPPOSED MOTION FOR AN  
ENLARGEMENT OF TIME TO FILE RESPONSE TO COMPLAINT**

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 45-day enlargement of time, to and including April 11, 2019, to file a response to plaintiff’s complaint. Our response is currently due on February 25, 2019. This is our first extension of time request. Counsel for plaintiff indicated via email on February 15, 2019, that plaintiff does not object to the motion.

Good cause exists for this extension of time. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Absent an appropriation, Department of Justice attorneys were prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342. Counsel of record was furloughed based upon this lapse of appropriations.

Since funding was restored on January 25, 2019, counsel of record has had a lengthy backlog of work including briefs in *Dunn v. United States*, No. 18-1225 (Fed. Cl.), *Taylor et al. v. United States*, No. 18-1098 (Fed. Cl.), *2M Research Services, LLC v. United States*, No. 17-

1638 (Fed. Cl), and *Kuwait Pearls Catering WLL v. United States*, No. 17-220 (Fed. Cl).

Further, counsel of record also has a backlog of work in the Federal Circuit including briefs in *Montelongo v. OPM*, No. 18-2095 (Fed. Cir.), and *Wiggins v. OPM*, No. 19-1143 (Fed. Cir.), and an oral argument on March 4, 2019 in *Cooper v. Department of the Army*, No. 18-1350 (Fed. Cir.). In addition, counsel of record has been summoned for jury duty in Federal district court during the weeks of February 11 and February 18, 2019. Finally, the preparation of our response to the complaint will require extensive coordination with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), which further necessitates the extension.

For these reasons, we respectfully request that the Court grant our motion for a 45-day enlargement of time, through and including April 11, 2019, to file our response to plaintiff's complaint.

Respectfully submitted,

JOSEPH H. HUNT  
Assistant Attorney General

ROBERT E. KIRSCHMAN, JR.  
Director

s/L. Misha Preheim  
L. MISHA PREHEIM  
Assistant Director

s/Nathanael B. Yale  
NATHANAEL B. YALE  
Trial Attorney  
Commercial Litigation Branch  
Civil Division  
U.S. Department of Justice  
P.O. Box 480  
Ben Franklin Station  
Washington, DC 20044  
Telephone: (202) 616-0464  
Facsimile: (202) 353-0461

February 20, 2019

*Attorneys for Defendant*